



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,673	08/01/2003	David Fusari	S1389.70013US00	2695
7590	12/09/2008		EXAMINER	
Richard Giunta Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210				ENG, DAVID Y
ART UNIT		PAPER NUMBER		
		2455		
		MAIL DATE		
		12/09/2008		
		DELIVERY MODE		
		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/632,673	FUSARI, DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAVID Y. ENG	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 September 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12,18-29,35-45,51-61 and 71-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12,18-29,35-45,51-61 and 71-74 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

Claims 13-17, 30-34, 46-50, and 62-70 have been cancelled. Newly submitted claims 71-74 have been entered. The active claims are 1-12, 18-29, 35-45, 51-61 and 71-74 of which claims 1, 18, 35 and 51 are independent claims.

In view of the amendment and the interview, the Section 112, 2nd paragraph Rejection is withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 6, 11, 22, 23, 28, 39, 40, 44, 61, 55, 56, 3, 10, 20, 27, 37, 43, 53, 60, 4, 21, 38, 54, 7, 8, 12, 24, 25, 29, 41, 42, 45, 57, 58, 9, 26, 29, 59 and 71-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Odom (USP 7,016,942).

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

**Claims 71-74**

The “wherein clauses” merely consist of non-functional descriptive materials.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 19, 36 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom (USP 7,016,942) in view of Bove (USP 7,249,367).

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

**Response**

Applicants argue that in prior art network security facilities may prevent the transmission of unsolicited messages to components executing on computers that reside behind the security facilities (firewall). The invention as recited in the claims does not solve that problem. There is no recitation of execution behind a firewall. The claims recite that communication is maintained for a period of time after the communication is established for the purpose of sharing a common context. The Odam patent is directed to sharing of context by a plurality of application. In order to maintain the sharing of the context by a plurality of application executed in different computers, connection between the plurality of computers has to be maintained.

Applicants contended that Odam is unrelated to the claimed subject matter because Odam says nothing at all relating to context management, or managing a

context shared by a plurality of application. The examiner disagrees. Firstly, the claims are directed to maintaining connection and not sharing of context. As explained in the rejections, Odom meets all the claim limitations. It is not seen why the rejection is in error with respect to the claims limitations. The claims merely recite that connection between a server and a client is maintained for a period of time that a context is shared by two applications. In order to share a context by two applications, connection between them has to be maintained because otherwise they would not be able to share. Connection is required by sharing. The claims as recited have nothing to do with firewall, managing context or sharing of a context.

#### **Other cited prior art**

The Seliger et al reference (6,993,556) explained on page 2 of the instant specification is relevant. See Figure 1. The patent teaches a context management system having a context manager 102 for managing sharing of a context by a plurality of applications 101. At the bottom of column 4, Seliger teaches that the context manager can be executed in any other computer, in context server for example. In order for the context manager to manage the sharing of a context by a plurality of applications, communication between the client and the server has to be maintained.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID Y. ENG/  
Primary Examiner, Art Unit 2455